

LOUIS R. RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Mayor Pro-Tem
Councilmember District 1



CHUCK ENGELKEN
Councilmember District 2
DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held April 24, 2017, beginning at 6:00 PM in the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

- 1. CALL TO ORDER**
- 2. INVOCATION** – The invocation will be given by Clark Askins, Assistant City Attorney.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember John Zemanek.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Proclamation - National Volunteer Week - Mayor Rigby
 - (b) Recognition - Certificate of Appreciation John Samuel Gianukos - Mayor Rigby
- 5. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 6. AUTHORIZATIONS**
 - (a) Consider approval or other action regarding minutes of the Council meeting held on April 10, 2017 - P. Fogarty
- 7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**
 - (a) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve amendments to regulations related to the parking of commercial motor vehicles at retail parking lot businesses in commercial and industrial zones; consider approval or other action regarding an Ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte by amending regulations related to the parking of commercial motor vehicles at retail parking lot businesses in commercial and industrial zones - I. Clowes
- 8. REPORTS AND POSSIBLE ACTION**
 - (a) Receive report on 125th Celebration and planned activities and take action, if necessary - C. Alexander
- 9. ADMINISTRATIVE REPORTS**
 - City Council Meeting, Monday, May 8, 2017
 - La Porte Development Corporation Board Meeting, Monday, May 22, 2017
 - City Council Meeting, Monday, May 22, 2017
- 10. COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of communitymembers, city employees, and upcoming events; inquiry of staff regarding specific factual

information or existing policies. Councilmembers Zemanek, Leonard, Engelken, Earp, Clausen, J. Martin, K. Martin, Kaminski and Mayor Rigby.

11. ADJOURN

The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code (the Texas open meetings laws).

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meeting. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.

CERTIFICATION

I certify that a copy of the April 24, 2017, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on April 18, 2017.

Patrice Fogarty



Council Agenda Item April 24, 2017

- 1. CALL TO ORDER**
- 2. INVOCATION** – The invocation will be given by Clark Askins, Assistant City Attorney.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember John Zemanek.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a)** Proclamation - National Volunteer Week - Mayor Rigby
 - (b)** Recognition - Certificate of Appreciation John Samuel Gianukos - Mayor Rigby
- 5. PUBLIC COMMENTS** (Limited to five minutes per person.)

Office of the Mayor



Proclamation

WHEREAS, the entire community can inspire, equip and mobilize people to take action that changes the world; and

WHEREAS, volunteers can connect with local community service opportunities through hundreds of community service organizations; and

WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference; and

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and

WHEREAS, during this week all over the nation volunteers will be recognized for their commitment to service; and

WHEREAS, our La Porte Citizen Police Academy Alumni Association provided 3,385 hours of volunteer service to the City of La Porte last year, valued at more than \$78,000 and making possible countless meaningful community initiatives; and

WHEREAS, these volunteers are recognized as a great treasure to our community and an essential part of our future as a caring and productive city; and

Now therefore, I, Louis Rigby, Mayor of the City of La Porte, do hereby proclaim April 23-29, 2017 as

“NATIONAL VOLUNTEER WEEK”

In La Porte, Texas and urge my fellow citizens to volunteer in their community. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion.

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 24th day of April 2017.

CITY OF LA PORTE

Louis Rigby, Mayor

On Thursday, February 22, 2017, at just after 7PM, John Samuel Gianukos, a La Porte Resident, observed a domestic assault taking place inside a retail store located in the 400 block of Fairmont Pkwy. The assault involved a male pushing a female down to the ground and dragging her by her hair before ripping her shirt. Mr. Gianukos decided to intervene before the young female victim was more seriously injured. Mr. Gianukos confronted the male aggressor and immediately stopped the assault. The aggressor, however, then began attacking Mr. Gianukos. During the subsequent confrontation, Mr. Gianukos suffered several injuries, including a chipped front tooth and a deep laceration to his head, which ultimately required six stitches.

The suspect finally ended his hostility and fled the area. Responding La Porte Officers were able to locate the suspect a short time later and arrest him. It was further determined by responding officers that the suspect was traveling in a stolen vehicle. The suspect was charged with assaulting his girlfriend, assaulting Mr. Gianukos, and for operating a stolen vehicle.

Due to the increasingly aggressive behavior of the suspect, it was clear that had it not been for Mr. Gianukos' brave intervention, the female victim would have been much more seriously injured; and a violent criminal would have escaped justice. Mr. Gianukos is commended for his courage and willingness to do the right thing, even when placing his own welfare at risk.

For these reasons, the City of La Porte is proud to present him with this Certificate of Appreciation.



Council Agenda Item April 24, 2017

6. AUTHORIZATIONS

- (a) Consider approval or other action regarding minutes of the meeting held on April 10, 2017 - P. Fogarty
- (b) Consider approval or other action regarding a Resolution opposing Senate Bill 715 - C. Alexander

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Mayor Pro-Tem
Councilmember District 1



CHUCK ENGELKEN
Councilmember District 2
DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
APRIL 10, 2017**

The City Council of the City of La Porte met in a regular meeting on **Monday, April 10, 2017**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, J. Martin, Earp, Clausen, Leonard, Zemanek, and Kaminski. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins. Councilmember Kristin Martin was absent.
2. **INVOCATION** – The invocation was given by Dr. B. L. Worsham, Second Baptist Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Mayor Rigby.
4. **PRESENTATIONS, PROCLAMATIONS and RECOGNITIONS**
 - (a) Proclamation – Sexual Assault Awareness Month – Mayor Rigby

Mayor Rigby presented a proclamation to Melissa Prentice, Legal Advocate/Prevention Specialist with Bay Area Turning Point, in recognition of Sexual Assault Awareness Month.
 - (b) Proclamation – Fair Housing Month in the City of La Porte – Mayor Rigby

Mayor Rigby presented a proclamation to Director of Planning Richard Mancilla, in recognition of Fair Housing Month in the City of La Porte.
 - (c) Proclamation – National Animal Control Officer Appreciate Week – Mayor Rigby

Mayor Rigby presented a proclamation to Animal Control Officers and Staff in recognition of National Animal Control Officer Appreciation Week.
 - (d) Proclamation – National Public Safety – Telecommunications Week – Mayor Rigby

Mayor Rigby presented a proclamation to Chief Kenith Adcox, Shaye Bradley, and Lt. Matt Daeumer in recognition of National Public Safety Telecommunications Week.
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

There were no comments from the public.

6. **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*

- (a) Consider approval or other action regarding minutes of meeting held on March 27, 2017 – P. Fogarty
- (b) Consider approval or other action regarding an Ordinance amending Sections 2 and 5 of Ordinance 2017-3661, concerning appointment of election judges for the City's general election on May 6, 2017 – P. Fogarty
- (c) Consider approval or other action regarding a Resolution authorizing the resale of tax delinquent property located at Lot 5, Block 1, Battleground Estates – S. Wolny
- (d) Consider approval or other action regarding the purchase of Neptune meters from HD Supply – M. Dolby
- (e) Consider approval or other action regarding proposed amendments to development agreement with Liberty Property Trust to allow exterior storage with identified restrictions in portion of Port Crossing Business Park – C. Alexander
- (f) Consider approval or other action regarding a Resolution authorizing the City Manager and the La Porte Police Department to submit for the Crime Victim's Liaison Grant covering 2018 and 2019 Fiscal Years in order to continue partial funding for the Crime Victim's Liaison position – K. Adcox
- (g) Consider approval or other action rejecting all bids for Bid # 17012 for Headstart Facility Parking Improvements – D. Pennell
- (h) Consider approval or other action awarding Bid #17013 for an Automated Weather Observation System – D. Pennell
- (i) Consider approval or other action awarding Bid #17014 for Lomax Arena parking Lot Improvements – D. Pennell

Regarding Item (i), Councilmember Earp asked Public Works Direction Don Pennell about the slope of parking lot, or if it will need to be crowned. Mr. Pennell responded they will need to do some leveling because there are some low spots. Councilmember Earp suggested to crown it a little to allow draining.

Councilmember Chuck Engelken made a motion to approve the Consent Agenda Items pursuant to staff recommendations. Councilmember Danny Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember Kristin Martin was absent.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3673: AN ORDINANCE OF THE CITY OF LA PORTE, TEXAS, AMENDING SECTIONS 2 AND 5 OF ORDINANCE NO. 2017-3661, ADOPTED ON JANUARY 9, 2017, WHICH, AMONG OTHER THINGS, ORDERED THE REGULAR ANNUAL ELECTION OF THE CITY OF LA PORTE, TEXAS TO BE HELD ON MAY 6, 2017, AND APPOINTED ELECTION OFFICIALS; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

7. AUTHORIZATIONS

- (a) Consider approval or other action regarding an appeal by American Recyclers of the City's denial for the operation of donation collection bins at 9701 Fairmont Parkway and 8300 Spencer Highway – C. Alexander

City Manager Corby Alexander presented a summary. Council adopted Ordinance No. 2017-3667, which imposed regulations on donation bins within city limits. Regulations include that each donation collection bin must have a permit, and that permit holders are a "not for profit" organization. The applicant, American Recyclers, is appealing the City's denial of a permit. The City denied American Recyclers a permit because it is a "for profit" organization. No representative from American Recyclers attended the Council Meeting for the appeal.

Councilmember Mike Clausen made a motion to deny American Recyclers' appeal. Councilmember John Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember Kristin Martin was absent.

8. REPORTS

- (a) Receive report of the Fiscal Affairs Committee – Councilmember Engelken

Councilmember Engelken provided a report of the La Porte Fiscal Affairs Committee meeting held immediately prior to the City Council Meeting.

9. ADMINISTRATIVE REPORTS

There were no additional reports.

10. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information.

Councilmember Kaminski reported that on Friday she attended the Spaghetti Dinner and went to the Police Department Meet the Candidates event.

Councilmembers Zemanek and J. Martin recognized all the recipients of proclamations this evening and wished everyone a safe and happy Easter holiday weekend.

Councilmembers Engelken, Earp, and Clausen had no comments.

Mayor Rigby announced during the Houston Astros season opener the Astros displayed a video which Mayor Rigby, LyondellBasell members, and the Houston Astros Foundation announced their partnership in giving back to the City of La Porte youth ball fields; LyondellBasell and the Houston Astros Foundation made a commitment to the City of La Porte to help maintain/upgrade some of the City's youth ball fields over the next three years. Mayor is extremely grateful to LyondellBasell and the Houston Astros Foundation for their support in the city of La Porte.

11. EXECUTIVE SESSION – The City reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, including, but not limited to, the following:

Texas Government Code, Section 551.074 – Personnel Matters: Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer or employee requests a public hearing: Denise Mitrano, Municipal Court Judge.

City Council recessed the regular Council meeting to convene an executive session at 6:24 p.m. regarding the subject of the executive session item listed above.

12. **RECONVENE** into regular session and consider action, if any, on item(s) discussed in executive session.

City Council reconvened the regular council meeting at 6:55 p.m.

Regarding the deliberation concerning the performance review of Denise Mitrano, Municipal Court Judge, Councilmember Engelken made a motion to increase Denise Mitrano a lump sum four percent. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember Kristin Martin was absent.

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 6:56 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember Kristin Martin was absent.

Patrice Fogarty, City Secretary

Passed and approved on April 24, 2017.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	<u>April 24, 2017</u>	<u>Appropriation</u>
Requested By:	<u>Ian Clowes</u>	Source of Funds: <u>N/A</u>
Department:	<u>Planning & Development</u>	Account Number: _____
Report: <input type="radio"/>	Resolution: <input type="radio"/> Ordinance: <input checked="" type="radio"/>	Amount Budgeted: _____
Other: <input type="radio"/>	_____	Amount Requested: _____
Attachments :		Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

1. Ordinance-Clean Version
2. Ordinance-Marked Version
3. P&Z Recommendation Letter

SUMMARY & RECOMMENDATIONS

At the February 16, 2017 Planning and Zoning Commission meeting, the Commission directed staff to draft an ordinance for consideration on two items that deal with Commercial motor vehicles within the City of La Porte.

The proposed ordinance amendments were presented to the Planning and Zoning Commission as a public hearing at the March 16, 2017 meeting. At that meeting the Planning and Zoning Commission recommended to approve the proposed amendments as listed below.

Attached is the draft version of the proposed modifications to the Zoning Ordinance in a “clean” version as well as a “showing changes” version. In the “showing changes” version, those areas highlighted in **yellow** indicate new language as part of the proposed modification to Chapter 106. The ~~strike-throughs~~ indicate where language is proposed to be removed. The following is a summary of the proposed modifications:

1. Definitions (Section 106-1).

This amendment to the definition of “Commercial motor vehicles” will bring it into conformance with the recently amended definition in chapter 70 of the City Code of Ordinances.

Commercial motor vehicle means 1) a vehicle or combination of vehicles with an actual gross weight, a registered gross weight, a gross weight rating or any combination in excess of 26,000 pounds; 2) a farm vehicle or combination of farm vehicles with an actual gross weight, a registered gross weight, or a gross weight rating of 48,000 pounds or more when operating intrastate; 3) a vehicle transporting hazardous materials requiring a placard; 4) a motor carrier transporting household goods for compensation in commerce in a vehicle not defined in Texas Transportation Code, Sec. 548.001(1); 5) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States; or 6) a contract carrier transporting the operating

employees of a railroad on a road or highway of the State of Texas in a vehicle designed to carry 15 or fewer passengers.”

2. Table A, Commercial & Industrial Uses (Section 106-310)

Due to some recently approved truck uses, staff had been asked to look into ways to amend the code to prevent additional truck parking within certain zones and associated with certain uses. Land Use 812930 *Parking Lots & Garages*, currently permits the parking of truck cabs which are not in combination with trailers. The proposed amendment will add Footnote 16 to this specific use, prohibiting the parking of commercial motor vehicles whether in combination with trailers or not.

2012 NAICS Code	2012 NAICS Title	** NC MS GC MU BI LI HI
812930	Parking Lots and Garages	C ¹⁶ P ¹⁶ P ¹⁶ P ¹⁶ P ¹⁶

16. Parking of commercial motor vehicles, including truck tractors not in combination with trailers, prohibited.”

Action Required of Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve an ordinance amending 106 “Zoning” of the Code of Ordinances of the City of La Porte by amending provisions related to the definition of Commercial Motor Vehicles, and amending the requirements of NAICS code 812930.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS REALTED TO THE PARKING OF COMMERCIAL MOTOR VEHICLES AT RENTAL PARKING LOT BUSINESSES IN COMMERCIAL AND INDUSTRIAL ZONES; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 106, “Zoning,” Section 106-1 “Definitions”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by revising the following definition, which shall be included to said section in the proper alphabetical sequence:

Sec. 106-1. Definitions.

“Commercial motor vehicle means 1) a vehicle or combination of vehicles with an actual gross weight, a registered gross weight, a gross weight rating or any combination in excess of 26,000 pounds; 2) a farm vehicle or combination of farm vehicles with an actual gross weight, a registered gross weight, or a gross weight rating of 48,000 pounds or more when operating intrastate; 3) a vehicle transporting hazardous materials requiring a placard; 4) a motor carrier transporting household goods for compensation in commerce in a vehicle not defined in Texas Transportation Code, Sec. 548.001(1); 5) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States; or 6) a contract carrier transporting the operating employees of a railroad on a road or highway of the State of Texas in a vehicle designed to carry 15 or fewer passengers.”

Section 2: That Chapter 106, “Zoning,” Article I. “In General”, Section 106-310 “Table A, Commercial & Industrial Uses”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new Footnote 16 to uses designated under NAICS Code 812930, such amendment to be inserted within “Table A, Commercial & Industrial Uses”, under NAICS Code 812930, and the text of said Footnote 16 to be added to the listing of footnotes after “Table A, Commercial & Industrial Uses”, in proper numerical sequence, as follows:

“Sec. 106-310. - Table A, Commercial & Industrial Uses.

2012 NAICS Code	2012 NAICS Title	**	NC	MS	GC	MU	BI	LI	HI
812930	Parking Lots and Garages			C ¹⁶	P ¹⁶		P ¹⁶	P ¹⁶	P ¹⁶

16. Parking of commercial motor vehicles, including truck tractors not in combination with trailers, prohibited.”

Section 3. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

Section 4. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 6. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 7. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of _____, 2017.

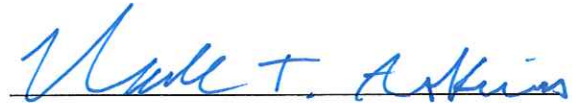
CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

A handwritten signature in blue ink, appearing to read "Clark T. Askins", is written over a horizontal line.

Clark T. Askins, Assist. City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS REALTED TO THE PARKING OF COMMERCIAL MOTOR VEHICLES AT RENTAL PARKING LOT BUSINESSES IN COMMERCIAL AND INDUSTRIAL ZONES; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 106, “Zoning,” Section 106-1 “Definitions”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by revising the following definition, which shall be included to said section in the proper alphabetical sequence:

Sec. 106-1. Definitions.

...

“Commercial motor vehicle means ~~any motor vehicle designed or used for the transportation of persons or property for hire, with a rated carrying capacity in excess of one ton, including every vehicle used for delivery purposes.~~ 1) a vehicle or combination of vehicles with an actual gross weight, a registered gross weight, a gross weight rating or any combination in excess of 26,000 pounds; 2) a farm vehicle or combination of farm vehicles with an actual gross weight, a registered gross weight, or a gross weight rating of 48,000 pounds or more when operating intrastate; 3) a vehicle transporting hazardous materials requiring a placard; 4) a motor carrier transporting household goods for compensation in commerce in a vehicle not defined in Texas Transportation Code, Sec. 548.001(1); 5) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States; or 6) a contract carrier transporting the operating employees of a railroad on a road or highway of the State of Texas in a vehicle designed to carry 15 or fewer passengers.”

Section 2: That Chapter 106, “Zoning,” Article I. “In General”, Section 106-310 “Table A, Commercial & Industrial Uses”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new Footnote 16 to uses designated under NAICS Code 812930, such amendment to be inserted within “Table A, Commercial & Industrial Uses”, under NAICS Code 812930, and the text of said Footnote 16 to be added to the listing of footnotes after “Table A, Commercial & Industrial Uses”, in proper numerical sequence, as follows:

“Sec. 106-310. - Table A, Commercial & Industrial Uses.

2012 NAICS Code	2012 NAICS Title	**	NC	MS	GC	MU	BI	LI	HI
812930	Parking Lots and Garages			C ¹⁶	P ¹⁶		P ¹⁶	P ¹⁶	P ¹⁶

16. Parking of commercial motor vehicles, including truck tractors not in combination with trailers, prohibited.”

Section 3. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

Section 4. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 6. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 7. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of _____, 2017.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark T. Askins, Assist. City Attorney



April 4, 2017

Honorable Mayor Rigby and City Council
City of La Porte

RE: Proposed Ordinance Amending Chapter 106 "Zoning"

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the March 16, 2017 meeting to consider approval of an ordinance amending certain provisions of Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances. The subject matter of the proposed modifications to Chapter 106 (Zoning) include:

- 1) The Parking of Commercial Motor Vehicles for NAICS #812930 in Commercial and Industrial Zones.
- 2) The definition of "Commercial Motor Vehicles."

The Commission voted 7-1 to recommend approval of the provisions as included in the drafted ordinance presented in the Request for City Council Agenda Item.

Respectfully submitted,

Ian Clowes, City Planner
On behalf of the Planning and Zoning Commission

cc: Richard Mancilla, Director of Planning and Development
Department File

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: April 24, 2017

Appropriation

Requested By: Corby Alexander

Source of Funds: _____

Department: Administration

Account Number: _____

Report: ☒ Resolution: ☐ Ordinance: ☐

Amount Budgeted: _____

Other: ☐ _____

Amount Requested: _____

Attachments :

Budgeted Item: ☒ YES ☐ NO

1. 125th Budget Info.

2. Ticket Sales, Parade Entries, Rodeo

SUMMARY & RECOMMENDATIONS

This item is placed on the agenda to provide Council an update on the 125th Celebration for the City of La Porte.

Action Required of Council:

Receive report and provide any necessary direction to staff or take action regarding planned celebration activities.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

La Porte 125 Overall Budget

	Original	Working	Notes
INCOME:			
Sponsorships		\$ 48,000.00	Presenting Sponsorship
Concert Ticket Sales		\$ 19,960.00	
Gala Ticket Sales		\$ 1,800.00	
Brunch Ticket Sales		\$ 210.00	
5K Registrations		\$ 670.00	
TOTAL INCOME:		\$ 70,640.00	
EXPENSES:			
Events	\$ 158,200.00	\$ 159,365.85	
Kid's Rodeo	\$ 3,000.00	\$ 2,900.00	
Concert Series Cody	\$ 39,200.00	\$ 37,052.70	
Dinner Gala	\$ 29,000.00	\$ 26,070.50	
5K Fun Run		\$ 3,600.00	
Parade		\$ 5,210.00	
Car Show	\$ 7,200.00	\$ 12,555.00	
Concert Series Clay	\$ 58,000.00	\$ 55,306.65	
Brunch	\$ 21,800.00	\$ 16,671.00	
Producer	\$ 288,925.00	\$ 288,925.00	
Eventbrite	\$ 10,000.00		
Consultant		\$ 7,500.00	
Sylvan Beach Rental		\$ 5,000.00	Saturday
Marketing	\$ 50,000.00	\$ 49,446.00	
Radio		\$ 10,400.00	
Print/Online		\$ 22,927.00	
Outdoor Signage		\$ 4,065.00	
Onsite Signage		\$ 3,500.00	
Misc		\$ 8,554.00	
Committee/Volunteers	\$ 1,000.00	\$ 5,000.00	
Committee Lunches		\$ 1,000.00	
Volunteer Food		\$ 1,500.00	
Lanyards		\$ 750.00	
Thank You's		\$ 500.00	
Staff T-shirts		\$ 1,250.00	
Founder's Event in August	\$ 18,375.00	\$ 10,000.00	
TOTAL EXPENSES:	\$ 526,500.00	\$ 525,236.85	
NET EXPENSES:		\$ (454,596.85)	

Kids Rodeo at Lomax Arena		\$ 3,000.00	
	Original	Working	Notes
INCOME:			
Sponsorships			
TOTAL INCOME:			
EXPENSE:			
Rodeo Management		\$ 1,000.00	Contracting Mutt Newman
Entertainment			
Pony Rides		\$ 500.00	
Petting Zoo		\$ 300.00	
Wagon Rides		\$ 200.00	
Trick Roping		\$ -	
Rodeo Clowns		\$ 300.00	
Steer Photo Op		\$ -	Selling Pictures
Awards	\$ 500.00	\$ 500.00	Ribbons & Back Tags
Staffing/Overtime			
Parks (Logistics)		\$ -	
Rec (Logistics)		\$ 100.00	1 staff @ \$25/hr (4 hours)
Vintage Games	\$ 2,500.00		
TOTAL EXPENSE:		\$ 2,900.00	

Concert Series - Cody Johnson		\$ 39,200.00	
	Original	Working	Notes
INCOME:			
Sponsorships			
TOTAL IMCOME:		\$ -	
EXPENSE:			
Facility Use		\$ 1,000.00	Special Event Permit (LP to provide staffing
Fireworks	\$ 20,000.00	\$ 15,000.00	15 minute fireworks presentation
Electrical - Food Trucks	\$ 2,500.00		food trucks to provide
Electrical - Lighting	\$ 2,500.00	\$ 665.70	3 solar lights per David
Restrooms	\$ 1,200.00	\$ 1,500.00	16/4 porta potties & 10 hand washing
Fencing	\$ 5,000.00	\$ 3,000.00	
Trash		\$ 637.00	1 dumpster & 50 event boxes
Staffing/Overtime	\$ 3,000.00		
Parks (Logistics/Clean-up)		\$ 2,200.00	
Rec (Logistics)		\$ 600.00	3 staff at \$25/hr (8 hours each)
PD (Security)		\$ 8,000.00	20 Officers at \$50/hr (8 hours each)
EMS (Saftey)		\$ 1,000.00	5 personal at \$25/hr (8 hours each)
Fire (Saftey)		\$ 1,000.00	4 firefighters
Shuttle Cost	\$ 5,000.00	\$ 2,100.00	20 Busses at \$15/hr per bus (7 hours each)
Satelite Parking Tent		\$ 350.00	10x30 Staging Tent
TOTAL EXPENSE:	\$ 39,200.00	\$ 37,052.70	

Anniversary Gala		\$ 29,000.00	
	Original	Working	Notes
INCOME:			
Ticket Sales (300 @ \$25)			
Sponsorships			
TOTAL IMCOME:		\$ -	
EXPENSE:			
Facility rental	\$ 5,000.00	\$ 4,000.00	
Facility Catering Fee		\$ 1,500.00	15% Fee on Outside Catering
Food (300 @ \$37+)	\$ 15,000.00	\$ 10,000.00	Flat Fee for Main 101
Entertainment (Mambo Jazz Kings)	\$ 2,500.00	\$ 3,500.00	Booked via Mark Taylor
Décor	\$ 1,500.00	\$ 2,000.00	Florals & B/W Prints
Security	\$ 300.00	\$ 300.00	
Photographer		\$ 1,000.00	
Cake/Dessert		\$ 1,222.00	Nothing Bundt Cakes
Giveaways		\$ 1,538.50	
Staffing/Overtime			
Rec (Logistics)		\$ 350.00	2 staff at \$25/hr (7 hours)
Parks (Logistics)			
Volunteer, Talent & Vendor Food		\$ 160.00	20 Dinners @ \$8
Miscellaneous	\$ 4,700.00	\$ 500.00	Misc Printing
TOTAL EXPENSE:	\$ 29,000.00	\$ 26,070.50	

Anniversary 5K

	Original	Working	Notes
INCOME:			
Entry Fees			
Early Bird (\$20 each)			
Regular Fee (\$25 each)			
Day Of (\$30 each)			
Family Pack (\$55 for family of 4)			
Sponsorships			
Inkind Donations			
TOTAL IMCOME:		\$ -	
EXPENSE:			
Electrical			
Portalets		\$ 350.00	4/1 porta potties & 1 hand washing stati
Awards (82 @ \$4)		\$ 350.00	
T-Shirts (250 @ \$7)		\$ 1,800.00	
Bibs		\$ 300.00	
Facilitator/Timer		\$ 500.00	
DJ/Emcee		\$ 300.00	
Miscellaneous			
TOTAL EXPENSE:	\$ -	\$ 3,600.00	

Anniversary Parade	\$ -		
	Original	Working	Notes/Questions
INCOME:			
Sponsorships			
TOTAL IMCOME:		\$ -	
EXPENSE:			
Electrical for Stage		\$ -	using shop generator
Decoration for Stage		\$ -	
Awards		\$ 400.00	4 categories
Staffing/Overtime		\$ -	
Parks (Logistics)		\$ 1,660.00	
PW (Logistics)		\$ 500.00	
PD (Security)		\$ 2,000.00	10 officers at \$50/hr (4 hours each)
EMS (Saftey)		\$ 400.00	4 staff at \$25/hr (4 hours each)
Misc. Candy		\$ 250.00	
TOTAL EXPENSE:	\$ -	\$ 5,210.00	

Car & Airplane Show		\$ 7,200.00	
	Original	Working	Notes/Questions
INCOME:			
Sponsorships			
TOTAL INCOME:		\$ -	
EXPENSE:			
Staging Rental		\$ 4,000.00	2 stages
Audio Visual		\$ 4,000.00	prepared for band
Electrical for Staging	\$ 2,500.00	\$ 650.00	2 generators per David
Restrooms	\$ 1,200.00	\$ 350.00	4/1 porta potties & 1 hand washing station
Signage			
Awards	\$ 2,500.00		
Car Show		\$ 1,000.00	
Airplane Show		\$ -	
Battle of Bands		\$ 400.00	
Staffing/Overtime	\$ 1,000.00		
Parks (Logistics)		\$ 405.00	2 staff/5hrs; 1 staff/5 hours
Rec (Logistics)		\$ 200.00	1 staff at \$25/hr (8 hours each)
PW (Logistics)		\$ 500.00	
PD (Security)		\$ 600.00	2 officers at \$50/hr (6 hours each)
EMS (Saftey)		\$ 250.00	2 staff at \$25/hr (5 hours each)
CPA Donation		\$ -	\$500 requested by George
Pizza for Vol. Fire Dept.		\$ 200.00	\$200 requested by George
TOTAL EXPENSE:		\$ 7,200.00	\$ 12,555.00

Concert Series - Clay Walker		\$58,000.00	
	Original	Working	Notes
INCOME:			
Ticket Sales			
Sponsorships			
TOTAL IMCOME:		\$ -	
EXPENSE:			
Fireworks	\$20,000.00	\$ 19,000.00	20 minute presentation
Electrical - Food Trucks	\$2,500.00	\$ -	1 generator per David
Electrical - Lighting	\$2,500.00	\$ 1,189.65	6 solar lights per David
Restrooms	\$8,500.00	\$ 3,750.00	42/8 porta potties & 25 hand washing
Fencing	\$5,000.00	\$ 3,080.00	
Trash		\$ 637.00	1 dumpster & 50 event boxes
Golf Cart Rental		\$ 1,100.00	4 standard/2 large for shuttles
Staffing/Overtime	\$7,000.00		
	Parks (Logistics)	\$ 2,700.00	
	Rec (Logistics)	\$ 2,000.00	10 staff at \$25/hr (8 hours each)
	PW (Logistics)	\$ 1,000.00	
	PD (Security)	\$ 12,000.00	30 Officers at \$50/hr (8 hours each)
	EMS (Saftey)	\$ 1,800.00	9 staff at \$25/hr (8 hours each)
	Fire (Saftey)	\$ 1,000.00	4 firefighters
VIP Tent	\$5,000.00	\$ 5,000.00	
Shuttle Cost	\$7,500.00	\$ 1,050.00	
Miscellaneous			
TOTAL EXPENSE:	\$58,000.00	\$ 55,306.65	

Gospel Brunch		\$ 21,800.00			
		Current		Discounted	
		Budget for		Tickets -	
	Original	\$30 Tickets	Free Tickets	\$10 OFF	Cancelled
EXPENSE:					
Facility rental	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
Food (300 @ \$25+)	\$ 9,000.00	\$ 8,496.00	\$ 8,496.00	\$ 8,496.00	\$ -
Entertainment (TBD)	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Décor	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ -
Security	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	
Staffing/Overtime					
Rec (logistics)		\$ 125.00	\$ 125.00	\$ 125.00	
Mom Gifts (150 @ \$5pp)		\$ 750.00	\$ 750.00	\$ 750.00	
Photographer		\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Miscellaneous	\$ 3,500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 250.00
TOTAL EXPENSE:	\$ 21,800.00	\$ 16,671.00	\$ 16,671.00	\$ 16,671.00	\$ 5,250.00
INCOME:					
Ticket Sales					
Adult Tickets (200)		\$ 6,000.00		\$ 4,000.00	
Kid Tickets (100)		\$ 1,500.00		\$ 500.00	
Sponsorships					
TOTAL INCOME:		\$ 7,500.00	\$ -	\$ 4,500.00	\$ -
NET EXPENSES:		\$ (9,171.00)	\$ (16,671.00)	\$ (12,171.00)	\$ (5,250.00)

Sponsorship	Company	Amount	Paid	Date	Notes
Presenting Sponsor	Gringo's Tex-Mex	\$ 15,000	\$ 15,000	3/28/2017	check to accounting
VIP Lounge Sponsor	Liberty Property Trust	\$ 7,500			sending check
Dinner Gala Sponsors	Liberty Property Trust	\$ 5,000			sending check
Dinner Gala Sponsors	Port Houston	\$ 5,000			Online Payment
Tag Your Tots Sponsor	Kuraray America	\$ 3,500			sending check
Parade	Beacon Federal Credit Union	\$ 2,500			sending check
Airplane & Car Show	Mitsubishi Motors	\$ 2,500	\$ 2,500	3/27/2017	check to accounting
5K Sponsor	INEOS	\$ 1,500	\$ 1,500	4/13/2017	sending check
Kid's Rodeo	Chemours	\$ 1,500			sent invoice - donating sunglasses to the 5K bags
#TBT Sponsor	Liberty Property Trust	\$ 1,000			sending check
Banner Sponsor	Chemours	\$ 500			sending check
5K Booth	Camp Gladiator	\$ 500			sent invoice
Dinner Gala Extras	Center Point Energy	\$ 1,000			pay via cc
Dinner Gala Extras	Amegy Bank	\$ 1,000	\$ 1,000		check to accounting
TOTAL:		\$ 48,000	\$ 20,000		

Actual Payments to Date

Amount	Description
\$ 75,000.00	Producer Payment
\$ 28,793.75	Producer Payment
\$ 6,000.00	Deposit for Sylvan Beach Pavilion
\$ 49.00	Shutterstock
\$ 49.00	Shutterstock
\$ 151.40	Villiage Pizza/The Lunch Box (committee lunch)
\$ 7,224.00	Texas Outhouse (porta potties)
\$ 2,924.00	Opentip.com (promo bracelets)
\$ 48.84	The Lunch Box (committee lunch)
\$ 9.00	FlyerHeroes (Rodeo Flyer template)
\$ 30.00	Constant Contact
\$ 25.00	Facebook Ads
\$ 4.65	Sample Wine Cork
\$ 7,270.00	Khou.com
\$ 30.00	Constant Contact
\$ 5,000.00	365 Houston
\$ 50.01	Facebook Ads
\$ 62.16	Facebook Ads
\$ 20.00	Facebook Ads

\$ 132,740.81 TOTAL

125th Celebration Ticket Sales, Parade Entries, and Rodeo:

- Ticket sales as of Monday (April 17, 2017):
 - Cody Johnson- 5000 Tickets SOLD OUT
 - Clay Walker- 1584 Tickets
 - Dinner Gala- 76 Tickets
 - 5K- 44 Registrants
 - Mother's Day Brunch- 7 Tickets
 - Parade- 11 Entries
 - La Porte High Jr. ROTC
 - GapVax, Inc.
 - First United Methodist Church
 - Harris County Precinct 8 Constable
 - Boys and Girls Harbor
 - First Assembly of God Church
 - Celebrate Recovery at Fairmont Park Church
 - LEPC
 - Port of Houston Authority
 - Judge Holly Williamson
 - La Porte Cowboys and Cowgirls
 - Kids Rodeo – 325 Registrations SOLD OUT (75 Stick Horse Racin', 75 Mutton Bustin', 75 Goat Ribbon Pullin', 50 Goat Flippin', 50 Calf Scramble)



Council Agenda Item April 24, 2017

9. ADMINISTRATIVE REPORTS

- City Council Meeting, Monday, May 8, 2017
- La Porte Development Corporation Board Meeting, Monday, May 22, 2017
- City Council Meeting, Monday, May 22, 2017

10. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of communitymembers, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies. Councilmembers Zemanek, Leonard, Engelken, Earp, Clausen, J. Martin, K. Martin, Kaminski and Mayor Rigby.

11. ADJOURN
